IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 664 of 2004(D)

AGAINST THE ORDER IN EP 76 OF 2002 IN
EA.657/2003 of ADDL.SUB COURT, NORTH PARAVUR.
OS.172/1996 of ADDL.SUB COURT, NORTH PARAVUR.
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PETITIONER:

M/S. SAKTHI TRADING CO.,
THALIPARAMBU, REPRESENTED BY ITS MANAGING PARTNER,
SOORAJ, S/O. BALAKRISHNAN NAIR, AGED 23,
KARIMBAM, THALIPARAMBU AMSOM, THALIPARAMBU DESOM.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:
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1. M/S. EDATHALA POLYMERS PVT. LTD.,
REPRESENTED BY DIRECTOR, VAZHAKULAM,
NORTH EDATHALA P.O., ALUVA-683 564.

2. EXECUTIVE DIRECTOR,
M/S. EDATHALA POLYMER PVT. LTD., VAZHAKULAM,
NORTH EDATHALA P.O., ALUVA-683 564.
M.V.MOHAMMEDALI, S/O. M.K.BEERAN.

BY ADV. SRI.T.M.ABDUL LATHEEF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF THE EA 657/03 DTD.21.7.03 FILED BEFORE ADDL.SUB COURT, NORTH PARAVUR.**

EXT.P2 **TRUE COPY OF THE JUDGMENT IN OS 172/96 DTD.5.2.00 OF SUB COURT, PAYYANNUR.**

EXT.P3 **TRUE COPY OF THE OBJECTION DTD.25.7.03 IN EA 657/03.**

EXT.P4 **TRUE COPY OF COUNTER FILED BY THE PETITIONER DTD.29.7.03.**

EXT.P5 **TRUE COPY THE ORDER IN E.A.657/03 DTD.30.7.03 OF ADDL. SUB COURT, NORTH PARAVUR.**

EXT.P6 **TRUE COPY OF THE ORDER IN E.A.658/03 DTD.30.7.03 OF ADDL.SUB COURT, NORTH PARAVUR.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 664 OF 2004

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Dated this the 6th day of June, 2007.

J U D G M E N T

This writ petition is filed to direct the Addl. Sub Judge, North Paravur to proceed with the sale of the properties as per the schedule already proclaimed. Heard the learned counsel for the writ petitioner. The Addl. Sub Judge, North Paravur by order dated 30.7.03 found that a chance has to be given to the judgment debtor to substantiate his case and allow the same on deposit of Rs.500/-. The same is evidenced by Ext.P5 order. Ext.P6 was allowed in the light of the order in Ext.P5. Now, about three years have elapsed and the matter is still pending. What is required by the judgment debtor is to give an opportunity to file an objection and here them before finally posting the matter for sale. I think in the interest of justice an opportunity can be given to the judgment debtor. Therefore, the writ petition is disposed of as follows:

(1) The executing Court is directed to afford an opportunity to the judgment debtor to file an objection and here them before passing an order of sale.

(2) The executing Court is directed to give notice to the learned counsel who appeared in the matter before the Court below regarding the posting.

(3) Both the parties are directed to appear before the executing Court on 5.7.07 and in the event of one of the parties not appearing, notice may be given to the Advocates who appeared previously.

(4) The executing Court shall here the decree holder as well as the judgment debtor before finally passing any orders regarding sale.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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